



**LIBRARY**

**SUPREME COURT, U. S.**

Supreme Court, U.S.

**FILED**

**FEB 4 1975**

**IN THE  
SUPREME COURT OF THE UNITED STATES  
OCTOBER TERM, 1974**

**MICHAEL RODAK, JR., CLERK**

**No. 74-70**

**LEWIS H. GOLDFARB AND RUTH S. GOLDFARB,  
Petitioners**

**v.  
VIRGINIA STATE BAR AND FAIRFAX COUNTY  
BAR ASSOCIATION,  
Respondents**

**ON WRIT OF CERTIORARI TO THE UNITED  
STATES COURT OF APPEALS FOR THE  
FOURTH CIRCUIT**

**MOTION OF THE DISTRICT OF COLUMBIA BAR  
FOR RECONSIDERATION FOR LEAVE TO FILE  
BRIEF AMICUS CURIAE**

**John W. Douglas, President,  
D.C. Bar  
Daniel A. Reznick,  
President Elect, D.C. Bar  
Jerome A. Hochberg,  
Chairperson, Division on  
Antitrust, Trade Regula-  
tion and Consumer Affairs,  
D.C. Bar  
1730 Rhode Island Ave., NW  
Washington, D.C. 20036  
Douglas V. Rigler  
Herbert Semmel**

**Attorneys for Amicus Curiae**



IN THE  
SUPREME COURT OF THE UNITED STATES  
OCTOBER TERM, 1974

---

No. 74-70

LEWIS H. GOLDFARB AND RUTH S. GOLDFARB,  
Petitioners

v.

VIRGINIA STATE BAR AND FAIRFAX COUNTY  
BAR ASSOCIATION,  
Respondents

---

ON WRIT OF CERTIORARI TO THE UNITED  
STATES COURT OF APPEALS FOR THE  
FOURTH CIRCUIT

---

MOTION OF THE DISTRICT OF COLUMBIA BAR  
FOR RECONSIDERATION FOR LEAVE TO FILE  
BRIEF AMICUS CURIAE

---

The District of Columbia Bar respectfully moves this Court for Reconsideration of its Motion for Leave to File Brief Amicus Curiae in the above-captioned case. The District of Columbia Bar moved on December 27, 1974, for leave to file a brief Amicus Curiae. The brief, which supported petitioners and urged that there was no



"learned profession" exemption from the Sherman Act for lawyers, was attached to the motion. On January 13, 1975, this Court denied the motion, as well as a motion of the Association of the Bar of the City of New York which similarly supported the petitioners' position. While the Court did not state any reason for its denial of the District of Columbia Bar's motion, respondent, Fairfax County Bar Association, had opposed the filing of the brief by letter dated December 11, 1974. No reason was given by Fairfax for its opposition. Since then various bar groups have filed amicus briefs with unanimous consent. These briefs, while not uniform, all take positions generally opposing petitioners and supporting respondents. It is clear that the organized bar professes substantially diverse positions on the issues raised in this case.

It is unlikely that this Court was aware of the amicus briefs that were to be filed when it acted on the District of Columbia Bar's motion. The briefs were filed without an order of the Court, pursuant to Rule 42 of the Rules of this Court, because the consent to their filing was unanimous. Unlike its opposition to the District of Columbia Bar brief, Fairfax gave its consent in these instances, presumably because the positions taken in the briefs were favorable to it. Petitioners consented even though the briefs opposed their position in this case.

The issues in the instant case are of great importance to the organized bar and to the equal administration of justice. We submit this Court should have the benefit of the differing views of



various segments of the organized bar on such an important subject and not have its access to such views subject to the whims of any one litigant appearing before it.

We urge this Court to reconsider its previous action and grant the District of Columbia Bar leave to file its brief as Amicus Curiae.

Respectfully submitted,

John W. Douglas, President,  
D.C. Bar

Daniel A. Rezneck,  
President Elect, D.C. Bar

Jerome A. Hochberg,  
Chairperson, Division on  
Antitrust, Trade Regulation  
and Consumer Affairs,  
D.C. Bar  
1730 Rhode Island Ave., N.W.  
Washington, D.C. 20036

Douglas V. Rigler

Herbert Semmel

Attorneys for Amicus Curiae

February 4, 1975

I certify that the above Motion is presented in good faith and not for delay.

Jerome A. Hochberg  
Attorney for Amicus Curiae



**MOTION**

**AMICUS CURIAE**



In the  
SUPREME COURT OF THE UNITED STATES  
October Term, 1974

---

Supreme Court, U. S.  
**FILED**  
FEB 5 1975  
MICHAEL RODAK, JR., CLERK

No. 74-70

LEWIS H. GOLDFARB AND RUTH S. GOLDFARB,

Petitioners,

v.

VIRGINIA STATE BAR AND FAIRFAX COUNTY BAR ASSOCIATION,

Respondents

---

ON WRIT OF CERTIORARI TO THE UNITED STATES  
COURT OF APPEALS FOR THE FOURTH CIRCUIT

---

MOTION OF THE ASSOCIATION OF THE  
BAR OF THE CITY OF NEW YORK FOR  
RECONSIDERATION OF MOTION FOR  
LEAVE TO FILE A BRIEF AMICUS CURIAE

---

Association of the Bar of  
the City of New York  
Eleanor M. Fox, Counsel  
One Battery Park Plaza  
New York, New York 10004  
212-483-9000

February 3, 1975



In the  
SUPREME COURT OF THE UNITED STATES  
October Term, 1974

---

No. 74-70

LEWIS H. GOLDFARB AND RUTH S. GOLDFARB,  
Petitioners,

v.

VIRGINIA STATE BAR AND  
FAIRFAX COUNTY BAR ASSOCIATION,  
Respondents

---

ON WRIT OF CERTIORARI TO THE UNITED STATES  
COURT OF APPEALS FOR THE FOURTH CIRCUIT

---

MOTION OF THE ASSOCIATION OF THE  
BAR OF THE CITY OF NEW YORK FOR  
RECONSIDERATION OF MOTION FOR  
LEAVE TO FILE A BRIEF AMICUS CURIAE

The Association of the Bar of the  
City of New York ("City Bar") respectfully  
moves this Court, in light of new developments,  
for reconsideration of its Motion for Leave  
to File its Brief Amicus Curiae in the



above-captioned case. Unless, on reconsideration, this Court accepts the brief of the City Bar, as well as a brief by the District of Columbia Bar similarly urging Petitioners' position, the Court will have before it the amicus briefs offered by those bar groups that would immunize lawyers from the laws against price-fixing while excluding the briefs of the bar groups that find no justification for this special exemption.

This anomolous situation came about because Respondent Fairfax County Bar Association refused to consent to the filing of amicus briefs by the bar associations that oppose its claim of antitrust immunity, whereas Petitioners granted such permission even to those that urge immunity. Thus, the bar groups favoring Respondents were able to get the consent of all parties and were entitled to file their briefs without order of the Court pursuant to Rule 42 of the Rules of the Court.





The City Bar moved for leave to file its brief Amicus Curiae in favor of Petitioners, with its brief attached to the motion, on December 20, 1974. The District of Columbia Bar so moved on December 27, 1974. On January 13, 1975, the Court denied both motions, without stating its reasons therefor. On or about January 31, 1975, five bar groups filed briefs Amicus Curiae in favor of or tending to favor Respondents. On a matter of such importance to the even-handed administration of justice directly involving the propriety of functions of the organized bar, we respectfully submit that the Court should have before it all views, and not just one part of the spectrum of views, of the bar.

We urge this Court to consider its prior action in light of the above events, and on reconsideration to grant the motion of the City Bar for leave to file



its brief Amicus Curiae.

Respectfully submitted,

*Eleanor M. Fox*

Association of the Bar of  
the City of New York  
Eleanor M. Fox, Counsel  
One Battery Park Plaza  
New York, New York 10004

I certify that the above motion is  
filed in good faith and not for delay.

*Eleanor M. Fox*  
\_\_\_\_\_  
Eleanor M. Fox